THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10451 OF 2006

18.07.2006

Between:

Bomma Bapu Reddy, S/o. Ram Reddy

… Petitioner

AND

The District Collector, Adilabad District
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10451 OF 2006

ORDER:

The petitioner purchased an extent of Acs.0.20 guntas in survey No.702/1 situated at Tandur Village and Mandal in Adilabad District from one Dadi Santhi Kumar under registered sale deed dated 30.10.2004. When there was alleged interference by one Mavidala Rajesham, S/o.Srihari, and Induri Ashalu, S/o.Pochaiah, (who is husband of fourth respondent), he filed a suit being O.S.No.12 of 2005 for perpetual injunction and obtained *ad interim* injunction in I.A.No.24 of 2005 from the Court of the Junior Civil Judge, Asifabad. It appears, the fourth respondent approached the third respondent and gave a representation on 21.1.2005 alleging that the petitioner interfered with her possession. Therefore, the third respondent issued notice on 23.2.2005 and proceeding with the enquiry. In the meanwhile, the petitioner obtained necessary building permission from Gram Panchayat. However, apprehending that the respondent may dispossess the petitioner from the land in survey No.702/1 under a mistaken impression that the same part of survey No.9 of Kistampet, the petitioner filed the instant writ petition seeking a writ of Mandamus directing the respondents not to interfere in the matter.

At the stage of admission itself, learned Assistant Government Pleader for Revenue (General) obtained instructions and submits that the Mandal Revenue Officer, Tandur (MRO), never interfered with the possession of the petitioner in respect of the land insurvey No.702/1 and that when there was attempt by the petitioner to encroach the Government land in survey No.9 of Kistampet, the same was stopped. This was, however, disputed by the learned Counsel for the petitioner. Therefore, this Court adjourned the matter to enable the learned Assistant Government Pleader to file the counter. In the counter affidavit filed on behalf of the respondents 1 to 3, while denying the petition averments, it is stated as under.

> It is respectfully submitted that the name of the vendor or the petitioner is not found in the Revenue Records. If the petitioner has got valid title over the land in Survey No.702/1

of Tandur Village, Adilabad District, the Revenue Authorities will not interfere with his rights to the said land, as the land is recorded as patta land. Under the guise of purchase of land in Survey No.702/1 of Tandur Village, the petitioner is trying to encroach the abutting Government land in Survey No.9 of Kistampet Village. The said Village is a Notified Agency Area. As the petitioner has been making efforts to encroach the Government land in Survey No.9 of Kistampet Village, he was prevented by the Revenue Authorities.

The matter was listed on 14.7.2006, the counter affidavit is filed and the learned Counsel for the petitioner sought time for filing reply affidavit, but no reply affidavit is filed.

After hearing the learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue (General), this Court is convinced that the writ petition is filed on mere apprehension. Indeed, the MRO categorically stated in the counter affidavit that Revenue Authorities will not interfere with the right of the petitioner in respect of the land in survey No.702/1. This itself would be sufficient to safeguard the right of the petitioner. However, the petitioner has no right to encroach upon the Government land in survey No.9 of Kistampet Village under the guise of the sale deed dated 30.10.2004 under which the petitioner purchased the property admeasuring Acs.0.20 guntas in survey No.702/1. If any such encroachment is there, it is always open to the Government officials to prevent such encroachment, if necessary, by coercive action.

The writ petition is, accordingly, dismissed. No costs.

_____

(**V.V.S.RAO, J**)

July 18, 2006
YS